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UNCLAS SECTION 01 OF 04 TALLINN 000316

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SUBJECT: ESTONIA SUPPORTS UN ARMS TRADE TREATY (ATT)

Ref: A) STATE 63299

¶1. (U) On May 15, we delivered reftel points to Arti Hilpus, MFA Director for Strategic Goods Control Division, and Tuuli Parnsalu, 3rd Secretary, and sought Estonia's support in opposing the UN-proposed Arms Trade Treaty (ATT). Kruuv thanked us for the points and provided us with a copy of the GOE's views on the ATT (which it had submitted in writing to the UN Secretary General on April 23).

¶2. (U) Kruuv said that Estonia supports the current draft of the ATT. The GOE sees the ATT as an important first step in reducing the illicit and irresponsible sales and transfers of arms. While Estonia sympathized with the USG's concerns and agreed on the need for improving accountability in arms transfers, Kruuv said that the GOE does not see an incompatibility in supporting the current ATT proposal and introducing stronger accountability and enforcement mechanisms in the future.

¶3. (U) Below is the complete text of the GOE's submission of its views on the ATT to the UN Secretary General:

Begin Text:

"23 April 2007

Response of the Republic of Estonia to the United Nations Secretary General's request for views on Arms Trade Treaty (ATT) submitted in accordance with the UN General Assembly resolution 61/89

Estonia was amongst the co-sponsors and countries that supported the adoption of the resolution A/Res/61/89 on 6 December 2006. We strongly support the objective of establishing effective common international standards for the import, export and transfer of arms and a comprehensive and legally binding international instrument regulating arms trade.

Adoption of the resolution was a crucial step towards assuring more responsible and transparent arms trade. Admitting that today there exist no universal convention on the trade in conventional arms, we believe that Arms Trade Treaty will eliminate that lacuna. At the same time, we acknowledge that every country has an inalienable right to self-defence, and thus also to arms

purchase.

We also believe that Arms Trade Treaty would contribute to sustainable development, peace and security and respect of human rights at a global level. Accordingly, Estonia is willing to actively work together with all UN Member States and the UN-DDA towards a comprehensive legally binding convention covering export, import and transfers of all conventional arms.

Feasibility

Estonia fully recognizes that although it will not be a simple task, the aim of the negotiations should be to agree on a universal treaty that will ensure that all transactions are subject to a prior assessment of the risk that they would be unlawful and/or have a serious negative impact on peace, security or human rights. It should be made sure that in such circumstances the transactions should not be allowed to be executed. The future treaty should set out the standards to be applied and also guarantee the necessary transparency and monitoring of implementation. Taking into account the relatively small size of Estonian public administration and the organizations in military and dual-use industry it is worthwhile to mention that more universal standards for the arms trade would in fact reduce workloads for licensing officials and business entities.

Negotiations on ATT do not start from the empty ground. We believe that first of all, ATT should be based on global obligations stemming out from such legally binding documents as the United Nations Charter and UN

TALLINN 00000316 002 OF 004

Security Council resolutions. Also, there exist a number of international and regional treaties, conventions, agreements and other instruments which could be used as a basis in the forthcoming debate on ATT. We would like to mention, in particular, the following binding international or regional instruments with relevance to the deliberations of an arms trade treaty:

- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, and its annexed Protocols;
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 1997;
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Protocol to Convention against Transnational Organized Crime, 2001;
- Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, 1997;
- Inter-American Convention on Transparency in Conventional Weapons Acquisitions, 1999;
- The 2001 Protocol on the control of firearms, ammunition and other related materials in the Southern African Development Community (SADC) region;
- 2004 Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa;
- 2006 Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons.

In the future debate on Arms Trade Treaty, it might also be useful to draw upon the experience and look at the formulations of politically binding international and regional agreements, such as:

- The UN Register of Conventional Arms;
- United Nations Guidelines for International Arms

Transfers, 1996;

- The UN Programme of Action to Prevent, Combat, and Eradicate the Illicit trade in Small Arms and Light Weapons, in All Its Aspects, 2001;
- OSCE Criteria for Conventional Arms Transfers, 1993;
- Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, 1995;
- 1998 European Union Code of Conduct on Arms Exports (EU Code of Conduct);
- 1998 OAS Model Regulations for the Control of Firearms;
- 2000 OSCE Document on Small Arms and Light Weapons;
- 2002 Wassenaar Arrangement Best Practice Guidelines for Exports of Small Arms and Light Weapons;
- Antigua Declaration on the Proliferation of Light Weapons in the Central American Region, 2002;
- The 2003 OAS Model Regulations for the Control of Brokers of Firearms, their Parts and Components and Ammunition;
- Inter-American Convention on Transparency in Conventional Weapons Acquisitions.

It is important to emphasize that the ATT process is aimed at creating a new, independent and legally binding instrument, not solely to refer to already existing norms.

Scope

Estonia believes that the scope of the treaty plays a crucial role in ensuring the effectiveness of the Treaty. We are of the opinion, that ATT should cover all conventional arms such as, but not limited to, battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers, man portable air defence systems (MANPADS), munitions, explosives, and most importantly, small arms and light weapons (SALW) and their ammunition. The list should also cover technology allowing the manufacture of such weapons. The UN Register of Conventional Arms might be used as a basis

TALLINN 00000316 003 OF 004

on forming the list of categories to be included in ATT. However, other lists, such as the European Union Munitions List or the Wassenaar Munitions List, which classifies conventional arms into 22 categories and sub-categories, might be considered. In order to avoid differing interpretations of the Treaty by the participating States, it is very important to pay attention on the definitions and terminology section of the Treaty. A viable option would be to include terminology used in arms embargoes imposed by the UN Security Council.

Estonia believes that the treaty should cover a comprehensive list of transactions involving trade in armaments such as import, export, re-export, transfer, transit, transshipment, technical assistance, transfer of technology, and brokering activities. Inclusion of all sorts of transactions would avoid creating loopholes that might be used to get around the reach of the ATT. Similarly, the Treaty should cover the transactions between all sorts of trading parties that result in the movement of military equipment from the territory of one State to that of another State. That includes Government to Government or State to State transfers. However, ATT should not cover transfers within a State and impose restrictions on how arms may be acquired, held or used within a State's territory.

Draft Parameters

Estonia is convinced that the Treaty should set out clear standards that States are bound to abide by. The

Treaty might set out the factors the States are obliged to consider when deciding whether or not to approve an import, export or transfer of arms. The list of factors might include, but should not be limited to, the following:

- maintenance of international peace and security;
- human rights situation;
- compliance with international law, including international humanitarian law;
- non-proliferation and disarmament agreements;
- safety and effectiveness of peace keeping operations;
- fight against international crime and terrorism;
- effect on sustainable development.
- conformity with international and regional arms embargoes;
- validity of end-use and end-users.

Despite the comprehensive list of the factors to be taken into account, the actual decisions on authorizing transactions should remain within the remit of individual States. It is also important that the Treaty acknowledges the inherent right of all States to individual or collective self defence in accordance with Article 51 of the Charter, and the security requirements of all States.

In order to improve the transparency and guarantee the effectiveness of the future instrument, the Arms Trade Treaty should contain a reporting obligation. State parties should have an obligation to report regularly to a competent UN body about the destinations, actual nature and value of their arms exports. Estonia also sees merit in the compliance mechanism for the Treaty.

We fully acknowledge that some of the countries may encounter problems in implementing the Treaty. Lack of administrative capacity, particularly when enforcement mechanisms would be incorporated in the ATT, might even make some countries hesitant to negotiating or joining the Treaty. In order to overcome these difficulties, provisions on international co-operation and assistance should be included in the Treaty.

Conclusion

Estonia hopes that these initial views on the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms will contribute to

TALLINN 00000316 004 OF 004

moving on with the discussions on Arms Trade Treaty. We look forward to the deliberations of the Group of Governmental Experts as a further step in the process. Estonia is willing to participate in this process as actively and constructively as possible."

End Text.

PHILLIPS